



## CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION  
www.danbury-ct.gov

(203) 797-4525  
(203) 797-4586 (FAX)

### MINUTES MAY 5, 2021

---

The web-based meeting hosted on Zoom was called to order by Chairman Arnold Finaldi at 7:30 PM.

Present were Robert Chiocchio, Helen Hoffstaetter, Perry Salvagne, Joel Urice, and Arnold Finaldi Jr. Also present were Deputy Planning Director Jennifer Emminger and Planning Director Sharon Calitro.

Absent were Alternates Kevin Haas and Gary Renz.

Mr. Chiocchio made a motion to accept the April 21, 2021 minutes. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with five ayes.

---

#### CONTINUATIONS OF PUBLIC HEARINGS:

Newtown Road LLC/Maria & Manuel Andre, Manuel Neves Gouveia Marques, & Antonio Mendes Gouveia Marques – Application for Special Exception/Site Plan Approval for Child Day Care Center in the CG-20/RA-8 Zone – 36 Newtown Road, 40 & 42 Newtown Road, Whitney Avenue (K13188, K13190 & K12255, & K12254) – SE 780. **THIS APPLICATION IS TABLED - THERE WILL BE NO ACTION TAKEN OR DISCUSSION ON IT.**

Mr. Salvagne made a motion to table and continue this hearing. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with five ayes.

---

Nejame Plaza LLC – Application for Special Exception/Revised Site Plan Approval to permit Storage of Concrete Aggregates or Manufacture of Concrete & Concrete Products, Storage of Bituminous Product, Storage or Sale of Building Materials, & Storage of Construction Equipment (Nejame Pool Industrial Site) in the IG-80 Zone - 44 Payne Road (N12004) - SE #776.

Mrs. Emminger said Attorney Mazzucco had requested this be tabled and the public hearing continued. Mr. Urice made a motion to table and continue this hearing. Mrs.

Hoffstaetter seconded the motion and it was passed unanimously by voice vote with five ayes.

---

Global Partners LP/Four Star Realty LLC- Application for Revised Special Exception/Revised Site Plan for Automobile Service Station ("Global Gas Station") in the CG-20 Zone - 108 Newtown Road & 5 Mountainview Terrace (M10029 & M10028) - SE #720.

Attorney John Knuff said they have responded to all of the departmental comments. He asked Larry Wagner from Benesch Engineering to describe the changes that were made. Mr. Wagner said there was one request from the City Traffic Engineer that they did not comply with because they do not agree that it is necessary to widen Mountainview Terrace north of the curb cut. Mrs. Emminger read the letter from the City Traffic Engineer into the record. Mr. Wagner pointed out on the site plan where this area is and said they do not think widening this small area will serve any purpose or be to anyone's benefit. The Commission members then discussed this issue and determined that they did not agree with this request either. Attorney Knuff said doing this would also eliminate some of the proposed landscaping too. He thanked the Commission for their time and offered to answer questions.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one.

Chairman Finaldi then asked Mrs. Emminger if they were waiting for any information. Mrs. Emminger said she has a verbal okay from the Engineering Department and expects to receive the final sign-off before the next meeting. Mr. Urice asked Mrs. Emminger to comment on the City Traffic Engineer's request. Mrs. Emminger said if there were other improvements required in this area, the request might be justified. She said it really is up to the Commission to determine if they think this is necessary. Mr. Urice then asked if approval of this application eliminates the previous approval for the convenience store. Mrs. Emminger said that is correct, this application revises both the special exception use and the site plan and no longer includes the convenience store. She added that they could come back later for a site plan revision if they decide they want it. Mrs. Hoffstaetter suggested they could keep the public hearing open and ask the City Traffic Engineer for clarification of this request. Chairman Finaldi said he does not think they should belabor this issue; if another application comes that would generate traffic in that area that would be the time to look at this again.

Mr. Urice made a motion to close this hearing. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by roll call vote with five ayes from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice and Chairman Finaldi. Mr. Urice then made a motion to move this matter to Old Business so they can give Mrs. Emminger guidance so

she can prepare the decision resolution for the next meeting. Mr. Chiocchio seconded the motion and it was passed by a voice vote with five ayes.

---

Real Time Capital Properties LLC – Application for Special Exception/Revised Site Plan for expansion of existing self-storage facility (“Safe & Sound Storage”) in the IL-40 Zone – 18 Great Pasture Rd. (L15008-009) – SE #769.

Mrs. Emminger said the project engineer Michael Mazzucco had requested this be tabled and the public hearing continued. Mrs. Hoffstaetter made a motion to table and continue the public hearing. Mr. Chiocchio seconded the motion and it was passed unanimously by a voice vote with five ayes

---

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

Global Partners LP/Four Star Realty LLC- Application for Revised Special Exception/Revised Site Plan for Automobile Service Station ("Global Gas Station") in the CG-20 Zone - 108 Newtown Road & 5 Mountainview Terrace (M10029 & M10028) - SE #720.

Chairman Finaldi said they need to give Mrs. Emminger guidance so she can prepare a resolution for this application. Mr. Urice said he has no problem with what they are asking to do. He added that he is glad the convenience store has been eliminated as this is so close to the residential neighborhood. Mr. Chiocchio said this is a minor addition and they are proposing to improve the site and the roadway. He also said that he agrees it is not necessary to do the road widening that was proposed by the City Traffic Engineer. Mrs. Hoffstaetter and Mr. Salvagne said they agreed with what has been said and they both also feel the road widening is unnecessary. Chairman Finaldi said they need to be careful to not go beyond the scope of the work being proposed in the application. He added that he cannot condone imposing unfair requirements on any application. Mrs. Emminger said the resolution would include the standard requirements of complying with the landscape plan, doing the proposed roadway improvements, extending the sidewalks as proposed, and also the sidewalk easement.

---

NEW BUSINESS:

8-3a Referral - Petition of D & B Wellness to Amend Sections 5.A.5.f.(2), 5.B.3.b., and 5.B.5.f.(1) of the Zoning Regulations. (Delete Prohibition on Drive-Thru Window for Medical Marijuana Dispensary.) THIS DATE IS SUBJECT TO CHANGE DEPENDING ON CIRCUMSTANCES RELATED TO COVID-19. Zoning Commission public hearing scheduled for June 8, 2021.

Chairman Finaldi said this would be on file in the Planning & Zoning Office and they would discuss it at a future meeting.

---

REFERRALS:

8-3a Referral - Petition of Berkley Insurance Company/Encompass Health CT Real Estate LLC to Amend the Master Plan of The Reserve for Tax Assessor's Lot #B15005 (Amend Phase 9B, Non-Residential Uses Not Serving the Immediate Needs of the Residential Development, from 100,000 SF of commercial use to 100,000 SF as a Physical Medical Facility-In-Patient Use.) **MARCH SUBMISSION.** Zoning Commission public hearing scheduled for May 25, 2021.

Chairman Finaldi said the Commission members should have received a copy of this petition as well as a copy of the Planning Department staff report. He said the applicant had amended the Zoning Regulations last year by adding a definition of this specific use and now they are asking to amend the Master Plan to include this use. Mrs. Calitro said that is correct; they are asking to redesignate a specific area within The Reserve for this new non-residential use. Mr. Urice questioned if this is the same as a hospital or surgical center. Mrs. Calitro said it is not the same, this use is specifically defined in the Regulations. She said there are no procedures being done there, and the patients will live there while recovering. She said the petition includes revised language for the 2016 Addendum to the 2004 Master Plan for The Reserve, as well as a chart showing the revised phasing plan. She continued saying that the proposed amendment does not change the mixed-use premise of a PND as the square footages within the residential and non-residential categories do not change. If this is approved, the use on Phase 9B would convert from commercial office space to a healthcare-related use. She further explained that all proposed construction in a PND requires Environmental Impact Commission approval as well as a Departmental site plan approval. The EIC approved this proposal in April 2021, and compliance with the Zoning Regulations will be determined during the site plan review. She said the Commission must determine if this change will keep the site in compliance with the Plan of Conservation & Development (POCD) and the reasons the site was rezoned. Chairman Finaldi reminded them that this is a referral and asked for a motion. Mrs. Hoffstaetter made a motion to give this a positive recommendation for the following reasons:

- (1) The proposed amendment is consistent with the POCD and the purpose for which the site was rezoned to PND.
- (2) The proposed development is in substantial harmony with the surrounding area and will not result in any negative impact on the health, welfare, and general safety of the public.
- (3) The existing and proposed streets are adequate to support anticipated traffic volumes at acceptable levels of service. And municipal sewer and water service adequate to serve the proposed PND can be provided.

Mr. Urice seconded the motion and it was passed unanimously by roll call vote with five ayes (Chairman Finaldi, Vice-Chairman Urice, Ms. Hoffstaetter, Mr. Chiocchio, and Mr. Salvagne).

---

8-3a Referral - Petition of Newtown Road LLC/Maria & Manuel Andre, Whitney Avenue (K12254) for Change of Zone from RA-8 to CG-20. **MARCH SUBMISSION.** Zoning Commission public hearing scheduled for May 25, 2021.

Chairman Finaldi said the Commission members should have received a copy of this petition as well as a copy of the Planning Department staff report. Mrs. Calitro referred to her staff report and explained that the area proposed to be rezoned includes the area from the front property line to the middle of the street (or the center of the right-of-way) as required by Sec. 3.B.3. of the Regulations. This parcel, along with three other parcels (two of which are on Newtown Road) was the subject of a similar rezoning request in 1988. The request was that all four parcels be rezoned from RA-8 to CG-20. The rezoning was approved for the two Newtown Road parcels; but denied for the subject parcel and 2 Whitney Rd. Despite the denial, in error the Zoning map was changed for all four parcels. Based on a review of the old file, staff believes the change was an unintentional drafting error that no one ever caught. The 1988 decision motion expressed concern that rezoning the Whitney Avenue parcels would allow commercial zoning to encroach into the residential neighborhood on Whitney Avenue. Mrs. Calitro then said that if a parcel is rezoned to CG-20, any uses allowed in that zone would be permitted on the parcel. She added that the two Whitney Avenue parcels have remained in residential use since the 1988 decision.

The POCD Land Development Plan map designates the subject parcel as single family. Therefore, rezoning to a CG-20 Zone is inconsistent with the Plan Map. It appears that the purpose of this request is allow the parcel to be used as part of a proposed commercial development on Newtown Road. Mrs. Calitro explained how this proposal is inconsistent with Land Development Plan section of the POCD and the criteria in Section 10.I.3. of the Regulations. She said they should look at the most appropriate use of the land when considering a zone change. And in this case, they also need to consider if the commercial encroachment into the residential neighborhood is necessary and the potential impact it could have on the character of the neighborhood. Lastly she said the 1988 staff report noted that locating any business use on Whitney Avenue has the potential to adversely affect the overall character of the neighborhood. Mr. Chiocchio asked how 2 Whitney Avenue is zoned. Mrs. Calitro said it is RA-8 but the Zoning Map shows it as CG-20 due to the drafting error made years ago. Chairman Finaldi said he drove by the site today and conditions have not changed since the 1988 denial. He added that the same houses still exist and that Whitney Avenue appears to be an old neighborhood of small homes. He said the CG-20 zone is not appropriate for this parcel and this could end up with any one of the 51 permitted uses on this site. Mr. Urice then said little encroachments grow into bigger ones and opening this parcel up to commercial is not good for the residents who live on

this street. Mr. Chiocchio then said he agreed with Chairman Finaldi and Mr. Urice that the commercial encroachment into the residential neighborhood is too much. Mrs. Hoffstaetter and Mr. Salvagne both said they also agree the encroachment would have a negative impact on the area and both also noted the circumstances have not changed since the 1988 denial. Mr. Urice then made a motion to give this a negative recommendation for the following reasons:

- (1) This proposal is inconsistent with POCD Land Development Plan; which designates this parcel as single family residential.
- (2) Approval of this petition would result in further encroachment of commercial land and uses into this older residential neighborhood.
- (3) Rezoning this parcel is the wrong this for this specific property as it is not in the best interest of the City and will have a detrimental effect on the health, safety, and welfare of the area.
- (4) There have not been any significant land use changes in this area since 1988 so there is no reason to change the previous denial of this request.

Mr. Chiocchio seconded the motion and it was passed unanimously by roll call vote with five ayes (Chairman Finaldi, Vice-Chairman Urice, Ms. Hoffstaetter, Mr. Chiocchio, and Mr. Salvagne).

---

Chairman Finaldi said there was nothing listed under Correspondence. He asked if anyone had anything to discuss under Other Matters and there was nothing. He said there was one Floodplain permit listed under For Reference Only.

At 8:50 PM. Mr. Salvagne made a motion to adjourn. Mr. Chiocchio seconded the motion and it was passed unanimously by voice vote with five ayes.